

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1683 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LB PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR IS SUPEHIA for Petitioner

Mr.P.S.Champaneri, A.G.P. for Respondents

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CORAM : MR.JUSTICE S.M.SONI

Date of decision: 24/04/96

ORAL JUDGEMENT

This petition under Article 226 of the Constitution of India is filed by the petitioner for directing the respondents to grant promotion to the post of Police Inspector by applying the criteria of seniority-cum-merit and then given further consequential benefits.

Petitioner was recruited as an Unarmed Police Constable. He was then promoted to the post of Head Constable and was selected for the post of Police Sub Inspector. He had also undergone the training for the same. He was appointed as a probationer P.S.I. and was confirmed with effect from 1.4.69. Thereafter, he was promoted to the post of Police Inspector in 1978. The case of the petitioner is that he ought to have been promoted in the year 1976 when the persons junior to him were promoted. He was not promoted on the basis of wrong criteria for promotion. According to him, the criteria for promotion from the Post of Police sub Inspector to that of Police Inspector was and is seniority-cum-merit and if this criteria had been applied to the case of the petitioner, he ought to have been promoted in the year 1976 when persons junior to him were promoted and not in the year 1978 when he was actually promoted.

Learned Advocate Mr. Suphehia for the petitioner states before the court that in case of one Mrs. Chowel, the Division Bench of this court has held that the criteria for promotion from the post of Police Sub Inspector to the post of Police Inspector is proved merit and efficiency. Criteria for the said post is not seniority-cum-merit. He has fairly brought to the notice of this court the said judgment delivered by this court.

In view of the above position of law and the criteria decided by this court for promotional post of Police Inspector from the Post of Police Sub Inspector, the petition now does not survive inasmuch as the petitioner claims this promotion on the criteria of seniority-cum-merit. Thus, when the petitioner was not promoted in the year 1976, the same cannot be said to be illegal and improper or contrary to Rules.

In view of this fact, this petition is liable to be dismissed and is hereby dismissed. Rule discharged. No costs.

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